IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND SIX

PRESENT

**THE HON'BLE MR JUSTICE J.CHELAMESWAR**

**AND**
**THE HON'BLE MR JUSTICE M.E.N.PATRUDU**

**WRIT PETITION No.24116 OF 2005**

Between:

A.Kalyani, D/o.Neelakantheswara Rao,

Unemployee, aged about 27 years,

R/o.D.No.19-9-19, Diwanjipeta,

Vizianagaram.

**..... PETITIONER**

AND

The Govt. of A.P. represented by its

Secretary, Education Department,

A.P. Secretariat, Hyderabad,

and others.

**....RESPONDENTS**

**THE HON'BLE MR JUSTICE**

**J.CHELAMESWAR**

**AND**
**THE HON'BLE MR JUSTICE**

**M.E.N.PATRUDU**

**WRIT PETITION No.24116 OF 2005**

**O R D E R**

**(Per Sri Justice J.Chelameswar)**

This writ petition is filed with a prayer as follows:

> "…….Honourable Court may be pleased to ISSUE A writ, Order or Direction especially one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in not following the direction of the Hon'ble A.P.A.T. in O.A.No.10951/2002 is bad and consequently to set aside the order of the A.P.A.T. in M.A.No.1103 of 2005 in O.A.No.10951/2002 dt.11-8-2005 as also the proceedings of the Director of School Education, A.P. Hyderabad dt.27-5-2005 and further direct the respondents herein to allow the petitioner for interview to the post of Grade II Hindi Pandit in D.S.C.2003 and pass …."

The petitioner appeared in DSC-2002 examination for appointment to the post of Hindi Pandit Grade II at Vizianagaram. The selection process consists of a written examination and the candidate is required to answer 200 questions. The examination comprises what is popularly known as the objective type, where the candidate is required to choose the correct answer out of the four answers suggested as against the questions and the mode of answering is by blocking the correct answer on the printed answer sheet, which is popularly called as Optical Multiple Reader (O.M.R.) answer sheet. The petitioner initially was supplied with printed O.M.R. sheet dated 20.07.2002. According to the said sheet, the petitioner secured a total of '77' marks. However, the sheet did not indicate that the petitioner had answered the last ten questions i.e. Question Nos.191 to 200 and the column was left blank. Subsequently, another O.M.R. Sheet dated 06.05.2005 was supplied to the petitioner. The details as to how such a second O.M.R. sheet is supplied may not be relevant for the present, but the total number of marks obtained by the petitioner are shown only as '77' for the answers given by the petitioner. That sheet also indicated the answers given by the petitioner even the last ten questions i.e. Question Nos.191 to 200 in that OMR information sheet. The petitioner, therefore approached the A.P. Administrative Tribunal by way of filing O.A.No.10951 of 2002 and the said O.A. was disposed of at the admission stage by an order as follows:

> "In view of the facts and circumstances of the case, it is considered expedient to dispose of the O.A., at the admission stage with a direction to the respondents to value the questions from 191 to 200 in the question paper of the applicant, if she comes within the zone of consideration, if any person who got less marks than the applicant was appointed to the post of Hindi Pandit Gr.II, the applicant's case be considered in the existing vacancies."

Not satisfied with the above order, the petitioner approached this Court with the aforestated prayer.

The Writ Petition was admitted and interim direction was granted on 28.11.2005 and therefore, the respondents in the writ petition filed WVMP No.33 of 2006 for vacating the interim orders.

In the counter it is stated by the respondents that the total number of marks obtained by the petitioner is correctly indicated as '77' in both the OMR information sheets, supplied to the petitioner, but in the first of O.M.R. sheet, the last column indicating the answers given by the petitioner to the Question Nos.191 to 200 were missing due to some mechanical failure on the part of the printing machine, and in the second OMR sheet, the answers given by the petitioner were also printed. The respondents also produced a copy of the key to the questions. We have personally verified each and every one of the answers given by the petitioner with reference to the key answer sheet. The petitioner answered 146 out of 200 questions correctly. Admittedly, each of the correct answer carries half-mark and thus, the petitioner secured a total of 73 marks. Apart from that, even according to the key answer sheet, there are no correct answers indicated in the OMR answer sheet, for seven questions, and therefore, all the candidates were given the benefit of half-mark for each of such inaccurate questions, thereby adding
3½ marks uniformly to all the candidates who had appeared for the examination.

In these circumstances, we do not find any error in the selection process. Even according to the counter-affidavit, the candidate who was selected and placed last in the above-mentioned process secured
78.5 marks. The petitioner having obtained lesser marks cannot have any grievance in the matter. The writ petition is therefore dismissed.

---

**JUSTICE J.CHELAMESWAR**

---

**JUSTICE M.E.N.PATRUDU**

**2nd FEBRUARY, 2006**

**PGS**

**THE HON'BLE MR JUSTICE**

**J.CHELAMESWAR**

**AND**
**THE HON'BLE MR JUSTICE**

**M.E.N.PATRUDU**

**WRIT PETITION No.24116 OF 2005**

**(Per Sri Justice J.Chelameswar)**

**2nd FEBRUARY, 2006**